

Application Number: 10/721,844

Reply To Office Action Of APRIL 19, 2005

Remarks

Claims 1-30 are pending in this application. Applicants have amended the specification to include updated information on the applications for which the instant application claims priority. Applicants have amended Claims 1 and 15 solely to provide more consistent antecedent basis throughout the claims. The Examiner has indicated that although Claims 1-30 are not identical to, they are not patentably distinct from Claims 1-27 of U.S. Patent No. 6,494, 865, to which the instant application claims priority. The amendments made herein to the specification and claims do not incorporate new matter into the application as originally filed.

Non-Statutory Double Patenting Rejection

In the office action, the Examiner has rejected Claims 1-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-27 of U.S. Patent No. 6,494, 865 to Alchas.

In response thereto, Applicants attaches hereto a Terminal Disclaimer in accord with 37 CFR 1.321(c) signed by the Agent of Record for U.S. Patent 6,494,865. Applicants respectfully submit that such Terminal Disclaimer obviates the obviousness-type double patenting rejections of Claims 1-30.

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Conclusion

In view of the Disclaimer filed herein and the Remarks above, applicant respectfully submits that Claims 1-30 are in condition for allowance, and respectfully requests that the Examiner earnestly reconsider his rejections of the present application. Applicant hereby authorizes the Commissioner to charge the fees necessary in connection with this Response and Terminal Disclaimer fee under 37 CFR 1.20(d) (Assumed to be \$130.00) and any other fees necessary in connection with this application, to Deposit Account Number 02-1666.

In light of the above amendments and remarks, Applicant respectfully requests that the Examiner enter the amendments and consider the remarks made herein. Consideration and prompt allowance of the claims are respectfully submitted.

Any questions concerning this application or amendment may be directed to the undersigned agent of applicant.

Respectfully submitted,

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